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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,467	12/14/2000	Benjamin H. Ziskind	80546-0010	6296

24633 7590 05/24/2004

HOGAN & HARTSON LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20004

EXAMINER

NORRIS, TREMAYNE M

ART UNIT PAPER NUMBER

2137

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/735,467

Applicant(s)

ZISKIND ET AL.

Examiner

Tremayne M. Norris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 52 and 62. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 10 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear to the examiner where the specification teaches encrypting the user authentication data.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 6-8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner where it is taught within the specification as to what a "senduser script" is and what it comprises.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4,9,11-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Auerbach et al, and further in view of Hunt et al.

Regarding claim 1, Auerbach et al teach the method for authentication and registration of messenger product users from an affiliated service provider that is not perceptible by the messenger product user, said method comprising the steps of:

launching the messenger product by a user from a client computer connected with the affiliate service provider (col.2 lines 18-32);

determining, by the messenger service provider server, the validity of the user authorization data (col.10 lines 56-64); and

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wherein if the user authorization information is determined to be valid, access is granted to the user by loading the messenger product on the user's client computer, and wherein otherwise a second query for authentication is made (col.10 line 64 thru col.11 line 8).

What Hunt et al teaches that Auerbach does not teach is querying, by the messenger service provider, an affiliate service provider server for user authentication data when necessary or desired (col.2 lines 5-15);

returning, by the affiliate service provider server, the user authorization data to the messenger service provider server (col.2 lines 5-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Auerbach's system for multi-protocol communication with Hunt's registration proxy system in order to allow the user to securely complete registration/authentication forms for different web sites without having to retype the same information (Hunt col.1 lines 10-30; col.4 lines 23-41).

Regarding claim 2, Auerbach and Hunt teach the method of claim 1, in addition Hunt teaches submitting a hidden form, from a document.form.submit function, or similar form submit function, on the affiliate site, to the messenger service provider, thereby generating a login request (col.8 lines 51-55).

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Regarding claim 3, Auerbach and Hunt teach the method of claim 2, in addition Hunt teaches the document.form.submit includes customization parameters (col.7 line 62 thru col.8 line 9).

Regarding claim 4, Auerbach and Hunt teach the method of claim 1, in addition Hunt teaches the step of providing messenger customization parameters to the messenger service provider (col.8 lines 15-42; col.9 lines 15-30).

Regarding claim 9, Auerbach and Hunt teach the method of claim 1, in addition Hunt teaches the user authorization data comprises a user name and password unique to the user (col.8 lines 15-26).

Regarding claim 11, the examiner takes official notice that the use of XML data format is notoriously well known in the data processing arts. It would have been obvious to one of ordinary skill in the art at the time of the invention to use XML data format in order to give developers and designers the ability to create customized tags that offer greater flexibility in organizing and presenting information than is possible with the older HTML document coding system.

Regarding claim 12, Auerbach and Hunt teach the method of claim 1, in addition Hunt teaches wherein the second query for authentication comprises:

comparing the user authorization data with a messenger service provider database; (col.8 line 56 thru col.9 line 6);

requesting updated user information from the affiliated site, if user exists in the messenger service provider database (col.6 lines 6-43).

Regarding claim 13, Auerbach teaches a system for providing an affiliate user access to an Internet messenger, comprising: a messenger service provider containing at least one Web server and a database containing user registration data, including usernames and passwords for each user (col.10 lines 30-67);); a customizable messenger product accessible by affiliate users (col.8 line 54 thru col.9 line 6).

Hunt teaches at least one affiliate capable of connecting with affiliate users, containing at least one Web server (col.3 lines 30-33), a database of affiliate user data and at least one code template (col.8 lines 15-39); an affiliate user with a client computer connected to the affiliate site (fig.1; col.4 line 60 thru col.5 line 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Auerbach's system for multi-protocol communication with Hunt's registration proxy system in order to allow the user to securely complete registration/authentication forms for different web sites without having to retype the same information (Hunt col.1 lines 10-30; col.4 lines 23-41).

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8. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Auerbach and Hunt, and further in view of Win et al (US pat 6,161,139).

Regarding claim 5, Auerbach and Hunt teach the method of claim 1, in addition Hunt teaches the step of providing messenger customization parameters to the messenger service provider, wherein said parameters is a default language (col.8 lines 23-26). What Win teaches that Auerbach and Hunt do not teach are said parameters are selected from the group consisting of custom image data; custom background colors data; custom skin data; custom ad banner data (col.20 lines 9-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Auerbach and Hunt's instant messaging system with Win's teaching of customization parameters in order to customize the look of a personal messenger (Win col.20 lines 9-26).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tremayne M. Norris whose telephone number is (703) 305-8045. The examiner can normally be reached on M-F 7:30AM-5:00PM alternate Fridays.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 305-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tremayne Norris

May 17, 2004


MATTHEW SMITHERS
PRIMARY EXAMINER
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